REMARKS

Upon entry of this Response, claims 3-5, 7, 8, 11-13, 15, 16, 19-22, and 24-26 remain pending in the present application. Applicants request reconsideration of the pending claims in view of the following remarks.

Rejections under 35 U.S.C. 103

The Office Action indicates that claims 3-5, 7, 8, 11-13, 15, 16, 19-22, and 24-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Wyman* in view of *Stefik*. Applicants respectfully traverse the rejection for at least the reason that the cited combination of references fails to show or suggest each of the elements of the pending claims.

In this regard, *Wyman* discloses:

> In operation of the distributed system of FIG.1, the producer 28 gives the issuer 25 authority to grant licenses on its behalf (the producer and issuer can be a single entity or multiple entities). The license document generator program, under control of a user (a person), generates a license (***usually the result of negotiation between the user of program 26 and the user of the server 10***). This license is called a product use authorization, and it is transmitted by the link 30 to the server 10.

(*Wyman* at column 11, lines 3-12). (Emphasis added).

As stated above, the generation of the license is the result of a negotiation between the user of a program 26 and the user of the server 10. That is, the license generated is not based upon the unilateral input of a licensee or a licensor. This is in direct contrast to the limitations recited in Applicants' claims.

In this regard, claim 3 recites:

> 3. A method for maintaining a license repository, comprising:
> maintaining a number of entities in the license repository in a server by maintaining a profile for each of the entities, the number entities including a number of licensors and a number of licensees, each of the profiles including point of contact for at least one of the entities in the license repository;
> generating a number of licenses between respective pairs of the licensees and the licensors based upon an input from at least one of the licensees and the licensors, respectively;
> maintaining the licenses in the license repository; and
> wherein the step of generating the number of licenses between respective pairs of the licensees and the licensors based upon the input from the at least one of the licensees and the licensors, further comprises:
> ***generating a first one of the licenses based upon a unilateral input by a first one of the entities***;
> notifying a second one of the entities that is party to the first one of the licenses of the creation of the first one of the licenses, wherein the first one of the licenses is unconfirmed; and
> receiving a confirmation status input from the second one of the entities indicating whether the first one of the licenses is confirmed.

(Emphasis Added).

Applicants respectfully assert that the cited art, either individually or in combination, is legally deficient for the purpose of rendering claim 3 unpatentable. Specifically, Applicants respectfully assert that the cited art does not teach or reasonably suggest at least the features/limitations emphasized above in claim 3. That is, *Wyman* teaches that the generation of the license is the result of a negotiation, and *Stefik* does not remedy this deficiency. In this regard, Applicants have used the term "unilateral" in accordance with its common and ordinary meaning, *i.e.* done or undertaken by one person or party. Thus, generating a license by use of a negotiation cannot be interpreted as "unilateral." Therefore, Applicants respectfully assert that claim 3 is in condition for allowance.

Since claims 4, 5, 7, 25 and 26 are dependent claims that incorporate all the features/limitations of claim 3, Applicants respectfully assert that these claims also are in condition for allowance. Additionally, these claims recite other features that can serve as an independent basis for patentability.

With respect to claim 11, that claim recites:

> 11. A program embodied on a computer-readable medium for maintaining a license repository, comprising:
>
> code that maintains a number of entities in the license repository by maintaining a profile for each of the entities, the number entities including a number of licensors and a number of licensees, each of the profiles including point of contact for at least one of the entities in the license repository;
>
> code that generates a number of licenses between respective pairs of the licensees and the licensors based upon an input from at least one of the licensees and the licensors, respectively;
>
> code that maintains the licenses in the license repository; and
>
> wherein the code that generates the number of licenses between respective pairs of the licensees and the licensors based upon the input from the at least one of the licensees and the licensors, further comprises:
>
> ***code that generates a first one of the licenses based upon a unilateral input by a first one of the entities***;
>
> code that notifies a second one of the entities that is party to the first one of the licenses of the creation of the first one of the licenses, wherein the first one of the licenses is unconfirmed; and
>
> code that updates a confirmation status of the first one of the licenses based upon a confirmation status input received from the second one of the entities indicating whether the first one of the licenses is confirmed.

(Emphasis Added).

Applicants respectfully assert that the cited art, either individually or in combination, is legally deficient for the purpose of rendering claim 11 unpatentable. Specifically, Applicants respectfully assert that the cited art does not teach or reasonably suggest at least the features/limitations emphasized above in claim 11. That is, *Wyman* teaches that the generation of the license is the result of a negotiation, and *Stefik* does not remedy this deficiency. In this regard, Applicants have used the term "unilateral" in accordance with its common and ordinary meaning, *i.e.* done or undertaken by one person or party. Thus, generating a license by use of a negotiation cannot be interpreted as "unilateral." Therefore, Applicants respectfully assert that claim 11 is in condition for allowance.

Since claims 12, 13, 15 and 16 are dependent claims that incorporate all the features/limitations of claim 11, Applicants respectfully assert that these claims also are in

condition for allowance. Additionally, these claims recite other features that can serve as an independent basis for patentability.

With respect to claim 19, that claim recites:

> 19. A system for maintaining a license repository, comprising:
> means for maintaining a number of entities in the license repository in a server by maintaining a profile for each of the entities, the number entities including a number of licensors and a number of licensees, each of the profiles including point of contact for at least one of the entities in the license repository;
> means for generating a number of licenses between respective pairs of the licensees and the licensors based upon an input from at least one of the licensees and the licensors, respectively;
> means for maintaining the licenses in the license repository; and
> wherein the means for generating the number of licenses between respective pairs of the licensees and the licensors based upon the input from the at least one of the licensees and the licensors, further comprises:
> ***means for generating a first one of the licenses based upon a unilateral input by a first one of the entities***;
> means for notifying a second one of the entities that is party to the first one of the licenses of the creation of the first one of the licenses, wherein the first one of the licenses is unconfirmed; and
> means for indicating whether the first one of the licenses is confirmed based upon a confirmation status input received from the second one of the entities.

(Emphasis Added).

Applicants respectfully assert that the cited art, either individually or in combination, is legally deficient for the purpose of rendering claim 19 unpatentable. Specifically, Applicants respectfully assert that the cited art does not teach or reasonably suggest at least the features/limitations emphasized above in claim 19. That is, *Wyman* teaches that the generation of the license is the result of a negotiation, and *Stefik* does not remedy this deficiency. In this regard, Applicants have used the term "unilateral" in accordance with its common and ordinary meaning, *i.e.* done or undertaken by one person or party. Thus, generating a license by use of a negotiation cannot be interpreted as "unilateral." Therefore, Applicants respectfully assert that claim 19 is in condition for allowance.

Since claims 20 – 22 and 24 are dependent claims that incorporate all the features/limitations of claim 19, Applicants respectfully assert that these claims also are in condition for allowance. Additionally, these claims recite other features that can serve as an independent basis for patentability.

Notably, the Office Action also indicates that the recitations of a method, a program and a system have not been afforded patentable weight based on *Kropa v. Robie*, 88 U.S.P.Q. 478 (CCPA 1951). Applicants respectfully disagree with this contention for several reasons. First, Applicants' recitation of "A method," "A program" and "A system" is to convey the type of statutory subject matter being claimed. If the Examiner is aware of another manner in which to convey this information without expressly reciting "A method," "A program" or "A system," for example, Applicants respectfully request the Examiner to present this information. Second, the Office Action's reliance on *Kropa v. Robie* appears to be misplaced. In this regard, the portion of *Kropa v. Robie* not cited in the Office Action indicates that there are claims in which the preambles are given the effect of a limitation. In those claims, the preambles were considered necessary to give, life, meaning and vitality to the claims. This is in contrast to those claims in which the preambles merely recited intended uses. Since the terms "A method," "A program" and "A system" do not merely recite intended uses, these terms clearly are to be afforded patentable weight.

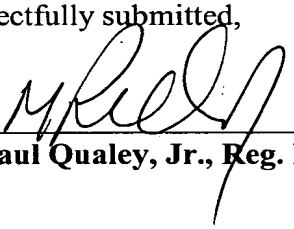
Cited Art Made of Record

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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